Submission of the
Nova Scotia Advisory Council on
the Status of Women
to the
Government of Canada's
Federal Labour Standards Review

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About the Advisory Council

The Nova Scotia Advisory Council on the Status of Women was established by provincial statute in 1977. The Council's mandate under the Advisory Council on the Status of Women Act is to advise the Minister Responsible for the Status of Women and to bring forward the concerns of women in Nova Scotia.

The Council's work touches on all areas of women's lives, including...

- ♀ family life
- ♀ economics
- ♀ legal rights
- ♀ sexuality
- ♀ health
- ♀ education
- ♀ paid and unpaid work
- ♀ violence

Council pays close attention to the experiences of women who face barriers to full equality because of race, age, language, class, ethnicity, religion, ableness, sexual orientation, or various forms of family status.

We are committed to voicing women's concerns to government and the community through policy research, information services and community liaison. Working cooperatively with women and equality-seeking organizations, our mission is to advance equality, fairness and dignity for all women.

Executive Summary

Federal leadership is an essential component in the protection of Canada's most vulnerable workers, the majority of whom are women. Whether it be creating policies which facilitate and support family-friendly work places, ensuring that labour standards apply to "non-standard" work arrangements, ensuring that sexual harassment policies are implemented and followed, developing standards that reflect and reinforce human rights legislation, enacting minimum wage legislation that promotes a living wage, or developing adequate parental and other family leave policies, the federal labour standards must be updated to better reflect the needs of all Canadian workers in the federal jurisdiction.

Federal labour standards should be designed to support the legitimate security of employment for all workers in federally-regulated workplaces. If this is to happen, the labour standards need to better reflect the current reality of the Canadian labour market and the increasingly diverse make-up of its labour force.

If labour laws are to be effective, they must, at a minimum, take into account the following:

- that women now comprise close to half (47%) of the paid labour force in Canada
- that parents and other caregivers now make up a significant portion of the labour force and, of these, women make up the majority
- that the Canadian population and labour force, while becoming increasingly diverse, is far from equitable for many groups, including: Aboriginal peoples, immigrants, people who are racially visible, and persons with disabilities
- that a significant proportion (at least one-third) of jobs in today's labour market are considered "non-standard" or precarious (such as part-time, temporary, and agency work) and that it is women who hold the majority of these jobs
- that because of women's over-representation in precarious and low-paying work, women, and consequently their families, are more vulnerable to financial hardship and poverty, not only in the present, but also in the future because of the inability to build pensions and savings for the senior years.

Recommendations

1) The *Canada Labour Code* should be positioned as a prime vehicle to achieve positive compliance with human rights legislation in this country. Canadian labour standards, therefore, need to adhere to and reinforce human rights legislative provisions around all forms of discrimination and harassment.

2) The Federal Labour Standards need to be enforced more vigorously via a proactive audit process. Employers should be helped, with informational resources, to implement *Code* provisions within a reasonable period of time. Sanctions need to be imposed on employers for *Code* non-compliance.

3) The federal minimum wage should move towards providing a "living wage" and be set at a minimum of $10 per hour. It should be indexed to both the cost of living and to a proportion of average wages.

4) The *Canada Labour Code* should provide coverage for non-standard workers such that all types of workers (part-time, temporary, contract) have equal pay and access to comparable benefits and protections as compared to full-time, permanent workers. The *Code* also needs to extend its full protection to temp agency workers and other third-party contracting employment arrangements.

5) The *Canada Labour Code*'s current provision for maternity-related reassignment and leave should be strengthened by supporting the choices of pregnant employees who have appropriate medical approval to continue in their current position. Employers should continue to have the duty to accommodate maternity-related reassignment but should not be able to compel pregnant employees to take reassignments if there is no valid medical reason for them to do so.

6) The *Canada Labour Code* needs to support and promote family-friendly workplaces through:

- Placing limitations on the total hours of work, including limiting employers' capacity to demand overtime.
- Establishing provisions for personal leave time, including family illness and community/volunteer participation.
- Expanding the eligibility requirements and flexibility around provisions for those with dependent care responsibilities. It would be worthwhile to consider the viability of workers having the option to reduce the number of hours worked for reasonable periods of time, eg., as a prelude to retirement or to meet family caregiving requirements.

Introduction and Background

The Advisory Council welcomes the opportunity to provide input into the current review of Part III of the *Canada Labour Code*. The workplace issues that relate to the mandate of this part of the *Code* are of great interest to our organization, given their numerous and significant gender implications.

We first provide some background information on the most significant societal changes that have occurred since the labour standards came into being. We then take, in turn, each section of the "Modernizing Federal Labour Standards" discussion paper and address the most relevant gender issues inherent to each.

Background

Over the course of the four decades since the *Code* was adopted, Canadian society has undergone tremendous social change. Our economy, our labour market and workplaces, our families and our demographics all look very different than they did in 1965. The most significant changes include:

- **Increase in women's labour force participation, particularly that of women with very young children**

There have been tremendous increases in Canadian women's labour force participation over the past number of decades while men's labour force participation has actually shown a slight decline. Between 1976 and 2003, the proportion of Nova Scotian women who were employed increased from 36% to 53% while the proportion of men who were employed declined from 66% to 62%. The increase in employment of women with young children is particularly dramatic. Currently, two-thirds (66%) of women with children under age 3 are employed. This is more than two and half times their 1976 employment rate, when only one quarter of women with children under age 3 were employed.[1]

While the traditional pattern of male bread-winner/stay-at-home-mom was the norm in 1965, this type of family role configuration has now become almost obsolete. In 2003, only 16% of husband-wife families in Nova Scotia had a male, single-earner, while in the majority (61%) of these families, both the husband and wife were employed.[2]

- **Increasing diversity but equity remains elusive**

The diversity of the Canadian population and workforce is increasing, albeit with considerable regional variation. The proportion of Canadians that are immigrants has been rising slowly but steadily since the 1950's, from 14.7% in 1951, to 16% in 1981, to 18.4% in 2001.[3] In 2001, racially visible persons (two-thirds of whom were immigrants)

made up 13.4% of the Canadian population and Aboriginal persons another 3.3%.[4] By 2017, it is estimated that roughly one in five persons in Canada will be a member of a racially visible minority group.[5]

Despite these significant demographic changes, equity in the labour force and in income levels remain elusive for these groups. In fact, for many of these groups, the equity gap appears to be widening rather than narrowing over time. For example, comparisons between the average employment incomes of racially visible women (compared to women who are not racially visible), immigrant women (compared to non-immigrant women) and Aboriginal women (compared to non-Aboriginal women) reveal substantial differences in 1995 and, in many cases, even greater differences in 2000. See Table 1, below.

Table 1. Differences in Employment Income for Diverse Groups of Women Canada, 1995 and 2000.

Comparison	1995 average employment income		2000 average employment income	
	$ Difference	% Difference	$ Difference	% Difference
Racially visible women and non-racially visible women	$1,982	9.8%	$2,392	10.7%
Aboriginal women who live on-reserve and non-Aboriginal women	$7,735	53.9%	$9,026	58.1%
Aboriginal women who live off-reserve and non-Aboriginal women	$5,658	34.4%	$5,989	32.2%
Immigrant women and non-immigrant women[6]	$2,278	7.2%	$4,326	12.9%
Recently immigrated women and non-immigrant women[6]	not available	not available	$14,105	59.3%

Source: Statistics Canada, 2001 Census, Tables no. 97F0019XCB2001046, 97F0019XCB2001047, and 97F0019XCB2001048.

Coinciding with population aging, the proportion of persons with disabilities is also increasing. In 2001, 14.6% of Canadians over the age of 15 had some sort of disability or activity limitation. For Nova Scotia, this rate is 20.1%, the highest in Canada. There are many significant differences in the labour force experiences (and consequently,

incomes) of persons with and without disabilities. Overall, the labour force participation of persons with disabilities is lower than that of persons without disabilities, their unemployment rates are higher (especially those of women with disabilities), and, consequently, their average incomes are substantially lower.[7]

- **Changes in family, including smaller family sizes, decreasing rates of marriage, increasing rates of divorce, and the increasing numbers and proportions of lone-parents**

Canadian families are very different now than they were forty years ago. Due to declining fertility rates, families are smaller than they used to be, with close to 40% of married couples and 63% of lone parents in Nova Scotia having only one child living at home.[8] In addition to having fewer children, women in Nova Scotia, as in the rest of Canada, are waiting longer to have children than they used to. In 1986, 26% of mothers giving birth were over the age of 30. By 2003, the proportion of mothers aged 30+ who gave birth had risen to 45% in Nova Scotia (48% in Canada).[9]

While the majority of children in Nova Scotia still live in two-parent families, a larger proportion than ever before, 27%, live in families headed by a lone-parent, the majority of whom (83%) are female.[10] While the vast majority (93%) of babies born in Nova Scotia in the early 1960's were born to married parents, only 62% of babies born in 2003 were born to married parents.[11]

- **Financial hardship - the decline in the purchasing power of family incomes, the increasing debt of families and their declining ability to save**

The incidence of after-tax low-income varies considerably by family type, age, and living arrangement. Lone-parent families, almost all of which are headed by women, are, by a large margin, poorer than two-parent families. In 2002, 40% of female lone parent families in Nova Scotia were poor compared to 3.6% of couples with children.[12]

People who are "unattached," ie., either living alone or with non-family members rather than as part of a family unit, are much more likely to be poor than those who live in families and this is especially the case for young, unattached women. In 2000, more than 70% of unattached women under the age of 25 were living below the low-income cut-offs.[13]

The Vanier Institute of the Family, in its annual report on family finances, reported that total household debt in Canada in 2004 was equal to 121% of disposable incomes, up from 86% in 1986. While the "typical" household was able to save about 20% of its disposable, after-tax income a couple of decades ago, this is no longer the case. The savings rate of families was zero by the end of 2004, with predictions of negative savings for 2005 and 2006.[14]

▸ The rise in precarious employment: A gender issue

There is now compelling evidence to suggest that precarious employment is on the rise in Canada.[15,16,17] The extent of this problem has typically been measured by assessing the number of workers engaged in work arrangements that differ from the "standard," full-time, full-year, permanent job. Generally, "non-standard" work is categorized in one of four ways: (1) part-time employment (less than 30 hours per week at one's main job); (2) temporary employment (including term or contract work, seasonal, casual, and temporary agency work); (3) own-account self-employment; and (4) multiple job holding. Using this definition, it has been estimated that between 1989 and 1994, the proportion of Canadians engaged in "non-standard" employment rose from 28% to 34% and then leveled off and has remained relatively stable (around 35%) since.[16]

Cranford, Vosko, and Zukewich[16] posit, however, that the typical way of measuring the extent of non-standard work does not give an accurate representation of the insecurity of workers in the Canadian labour market. They propose a new, mutually-exclusive typology of employment that enables more accurate measurement of labour market insecurity and the ability to specify which forms of work are the most precarious. These researchers argue that, while non-standard employment may appear to have stabilized in the late 1990's, some groups of workers, specifically those with temporary jobs and the own-account self-employed, have, in fact, become more prevalent since that time.

Women are much more likely than men to be employed in precarious jobs. Gender, as well as other factors such as age, race/ethnicity, and disability status are integrally related to precarious employment. Women, for example, are more than twice as likely as men to be permanent, part-time employees (19% versus 8%). Women are also more likely to be temporary, part-time employees (11% versus 8%). According to Cranford, et al., these two forms of employment are the most precarious in their continuum.[18]

Diverse Groups and Precarious Employment

The evidence is clear that groups such as racially visible persons, Aboriginal persons, immigrants, and persons with disabilities are considerably more likely to be marginalized from the labour force in Canada. Firstly, obtaining employment, is more difficult for some of these groups, particularly Aboriginal persons and recent immigrants. According to the 2001 Census, unemployment rates for Aboriginal women in Canada were almost two and a half times higher than they were for non-Aboriginal women (16.7% versus 7%) and for Aboriginal men, the unemployment rate was three times higher than for non-Aboriginal men (21.4% versus 7.4%). Similarly, women who had immigrated to Canada within the five years preceding the 2001 Census had unemployment rates that were two and a quarter times higher than those of non-immigrant women (15.9% versus 7%).[19]

There is also mounting evidence that these groups are more likely to have precarious types of employment. These ethnocultural factors, combined with gender, are especially potent predictors of labour force vulnerability. For instance, Cranford, Vosko and Zukewich found little difference in the proportion of visible minority men versus non-visible minority men who were permanent, full-time employees (72% and 73%, respectively). However, a significantly smaller proportion of visible minority women (56%) compared to non-visible minority women (63%) held permanent, full-time jobs in 2000.[18] Similarly, visible minority women were also less likely than non-visible minority women to hold permanent, part-time jobs (17% versus 21%).[18]

According to the 2001 Census, Aboriginal women in Canada were considerably less likely to be working full time, full year (and therefore much more likely to be working part time or part-year) than non-Aboriginal women. Only 38% of employed, on-reserve Aboriginal women and 39% of employed, off-reserve Aboriginal women worked full time, full year compared to 48% of employed non-Aboriginal women. Recently immigrated women, according to the 2001 Census, were also much more likely to be working part time or part year. Despite their higher than average levels of education, two-thirds (66%) of employed, recently immigrated women compared to 51% of all employed immigrant women and 53% of employed non-immigrant women were working part time or part year in 2000.[20]

These statistics go a long way towards explaining the high rates of poverty experienced by these groups. High unemployment rates combined with low wages (see Table1 for pay differentials) has resulted in a very high incidence of low-income for far too many members of these groups. See Table 2 below.

Table 2. Incidence of Low-Income for Diverse Groups by Living Arrangement and Sex, Canada, 2001

	Incidence of low income in 2001 for family persons		Incidence of low income in 2001 for unattached persons	
	women	men	women	men
Recently immigrated persons (1996-2001)	41%	42%	64%	57%
All immigrants	20%	18%	46%	38%
Aboriginal	33%	29%	62%	51%
Racially Visible	27%	25%	56%	50%

Source: Statistics Canada, table nos. 97F0009XCB2001043, 97F0011XCB2001046, 97F0010XCB2001047.

Racially visible workers and recent immigrants (the majority of whom are racially visible) are much more likely to be in low-paid and insecure jobs. Even when factors such as education and skill level are held constant, over-representation of these groups in

precarious employment remains, indicating that racial discrimination is a significant factor in this equation.[21, 22] Given the importance of immigrants to the growth of the Canadian labour force, and knowing that Aboriginal persons comprise one of the only sectors of the Canadian population whose fertility rates are above replacement level, it is imperative that labour standards better reflect human rights legislative provisions against discrimination and harassment.

Recommendation: The *Canada Labour Code* should be positioned as a prime vehicle to achieve positive compliance with human rights legislation in this country. Canadian labour standards, therefore, need to adhere to and reinforce human rights legislative provisions against all forms of discrimination and harassment.

There is also recent data which suggest that the representation of women in certain forms of non-standard employment is increasing. While women consistently comprised about 70% of part-time employment between 1976 and 2004, their representation in self-employment rose from 26.3% to 34.2%. Women's representation also increased in multiple job holding, from 41.8% to 54.8% between 1987 and 2004.[23, 24, 25]

Precarious employment is low-paid employment

Precarious employment goes hand-in-hand with low earnings. Those who work part time earn less, even on an hourly basis, than those who work full time. Jackson (2004) showed that women who worked part time in the private sector in 2003 earned an average of $11.10 per hour while their counterparts who worked full time earned an average of $15.40 per hour.[26] Those who work in temporary positions also earn less, on average, than those in permanent positions (about 16% less), with temporary employees who use employment agencies being the worst-off in terms of income.[27] Part-time and temporary workers also have fewer employee benefits.

Low-waged employment is no minor problem. Approximately 4.6% of Canadian employees work for the minimum wage and, of these, most (60%) work part time. Nevertheless, 2.4% of Canadian workers are full-time minimum wage earners. While this is a small percentage, it represents almost a quarter of a million workers.[28] Approximately 15% of minimum wage earners are either unattached individuals or lone-parents (ie., 126,000 Canadians).

Those earning minimum wage comprise only a small portion of low-wage earners. In Canada, it is estimated that two million adult workers earn less than $10 an hour and, of these, close to two-thirds are women. One third of low-wage earners are the only income earner in their family. Consequently, about 667,000 Canadian workers, most of whom are women, are trying to support their families on less than $10 an hour.[28]

In Nova Scotia, close to 30% of all paid employees earned less than $10 per hour in 2003. Thirty-five percent of all paid female employees in Nova Scotia earned less than

$10 per hour compared to 22% of all paid male employees. Women comprised 62% of all paid employees who were earning less than $10 per hour.

One obvious consequence of minimum/low-wage and precarious employment are the high rates of poverty that exist in this province, particularly among women. Currently, someone working full time at minimum wage is earing approximately 25% less than the low-income cut-offs.[29] For additional information about the gender issues inherent to the minimum wage, see the attached brief recently written by the NS Advisory Council on the Status of Women.

Labour laws, legislation and policies are largely based on the model of the "standard employment relationship." (Cranford, Vosko, and Zukewich describe the standard employment relationship as one which generally refers to a "situation where the worker has one employer, works full time, year-round on the employers' premises, enjoys extensive statutory benefits and entitlements and expects to be employed indefinitely.")[16] Given the extent and increase in precarious employment, it would appear that more and more workers, the majority of them women, are slipping through the cracks of a system of labour laws which in no way adequately reflects their reality or addresses their needs.

- **Increasing need for family-friendly workplace policies**

Despite the tremendous increases in the labour force participation of women over the past 40 years, women's share of the unpaid work and caregiving that is done in the home has remained almost unchanged. As a consequence, women are experiencing higher than ever levels of stress and time-poverty.

Balancing work and family is difficult in the best of circumstances. It is especially difficult for lone parents. Changes to income assistance programs in many provinces have resulted in an influx of female lone parents into the paid labour force. In the short period between 1995 and 2000, the proportion of female lone-parents (with children under the age of 18) that were in the paid work force increased from 61% to 72%.[14]

Forty-six percent of the Canadian work force is made up of parents, and women make up just over half of these (ie., 22% husbands, 19% wives, 5% female lone parents, and 1% male lone parents).[14] Because women still have primary responsibility for childcare and other family caregiving, they are more likely than men to require time off work for family reasons. In 2003, 4.6% of female employees took time away from work for personal or family reasons compared to only 1.7% of male employees. Due to factors such as tight financial pressures, lone mothers take considerably less family/personal time off, on average, than married mothers, even when the need is there.[30]

Caregiving and precarious employment are very much connected. Research indicates that close to 20% of all women who work part time do so to care for their children or for other family reasons. The proportion of women working part time who do so for reasons

related to caring for children or for other family reasons vary considerably depending on factors like age, marital status and presence of children. For example, close to 40% of women aged 25-44 who work part time do so for childcare/care-giving reasons as do 65% of wives aged 25-34 who have children.[14]

MacDonald, Phipps and Lethbridge[31] provide an analysis of data from the General Social Survey (GSS) which demonstrates the relationship between paid work, unpaid caregiving and stress experienced by women and men in Canada. High "total work hours" experienced by women were found to correlate significantly with very significant levels of stress. Interestingly, this research also demonstrated that "flexibility" of working hours, in itself, was not related to reduced stress. Multiple job holding and self-employment, on the other hand, were options associated with reduced stress. The reason for this may be that many so-called "flexible" work arrangements, are, in fact, not flexible. Such arrangements may not be adequately responsive to family needs and emergencies, and leave some women feeling that it is necessary to conceal their family problems from supervisors and employers in order to avoid the negative work-related consequences of employers' having this knowledge.

I. Setting the Bar for Federal Labour Standards

Federal labour standards, while applying to only ten percent of the Canadian labour force, are important in that they serve as a benchmark for labour standards in other jurisdictions and set a standard for the provinces to follow. Federal labour standards should be designed to support the legitimate security of employment for all workers. If this is to happen, the labour standards need to better reflect the current reality of the Canadian labour market and the make-up of its labour force.

Gone forever are the days of the male-only breadwinner and jobs which last a lifetime. If labour laws are to be effective, they must, at a minimum, take into account the following:

- that women now comprise close to half (47%) of the paid labour force in Canada[32]
- that parents and other caregivers now make up a significant portion of the labour force, and, of these, women make up the majority
- that a significant proportion (at least one-third) of jobs in today's labour market are considered "non-standard" or precarious (such as part-time, temporary, and agency work) and that it is women who hold the majority of these jobs
- that because of women's over-representation in precarious and low-paying work, women, and, consequently their families, are more vulnerable to financial hardship and poverty.

Federal leadership is an essential component in the protection of Canada's most vulnerable workers, the majority of whom are women. Whether it be creating policies which facilitate and support work-life balance, ensuring that labour standards apply to

"non-standard" work arrangements, ensuring that sexual harassment policies are implemented and followed, enacting minimum wage legislation that promotes a living wage, or developing adequate parental and other family leave policies, the federal labour standards must be updated to better reflect the needs of all Canadian workers in the federal jurisdiction.

Ii. Looking at Existing Federal Labour Standards: What Works? What does not Work?

Minimum Wage

Minimum wage standards in all provincial jurisdictions remain inadequate. In Nova Scotia, the minimum wage is currently set at $6.80 per hour. While minimum wage rates have increased over the past 30 years, the increases have not kept up with the rate of inflation. The result has been an actual decrease in the value of the minimum wage over time. Jacobs and others[33, 34] have shown a 25% decline in the value of the "real minimum wage" in Nova Scotia from 1976 to 2003. This means that the purchasing power of the minimum wage in 2003 was actually about 25% less than it was three decades before. Due to inflation and the increasing cost of living, the minimum wage no longer provides employees, even those working full time, with sufficient wages to sustain their basic needs and keep them from experiencing financial hardship or poverty.

As was noted previously, women make up the majority of those earning minimum wage and low-wages. An obvious consequence of minimum, low-wage and precarious employment are the high rates of poverty that exist in this country, particularly among women. For a more detailed gender analysis of the minimum wage, please see attached brief entitled, *Women and the Minimum Wage in Nova Scotia*.

Recommendation: The federal minimum wage should move towards providing a "living wage" and be set at a minimum of $10 per hour. It should be indexed to both the cost of living and to a proportion of average wages.

Maternity-Related Reassignment, Maternity Leave and Parental Leave

Although women are still under-represented in occupations such as policing, fire fighting, and certain types of correctional service, more women than in the past now fill positions in these and other male-dominated fields. Some of these workers have brought forward new concerns about maternity-related reassignment. Specifically, these workers do not wish to be compelled by employers to take alternate work assignments when it is not medically necessary for them to do so.

Recommendation: The *Canada Labour Code*'s current provision for maternity-related reassignment and leave should be strengthened by supporting the choices of pregnant employees who have appropriate medical approval to continue in their current position. Employers should continue to have the duty to accommodate maternity-related reassignment but should not be able to compel pregnant employees to take reassignments if there is no valid medical reason for them to do so.

Canada's provision of maternity and parental leave seems generous until one examines the availability of maternity and parental leave benefits, provided through the Employment Insurance system. Because so many mothers, and fathers, are not eligible for EI, either through insufficient hours or because of self-employment, allowing them leave is, most frequently, an empty entitlement, as they simply cannot afford to take significant time away from work without pay. The role of the Labour Code in this situation is unclear. However, greater coverage of workers with precarious employment would be a step consistent with eventual improvements in supports to families.

Furthermore, enforcement of existing entitlements also needs to be improved, as indicated by the HRSDC evaluation cited below. The subsequent recommendation also applies to the issue of maternity and parental leave provisions.

Sexual Harassment

Sexual harassment remains an important issue for women. Compliance with and enforcement of current legislation needs to be the focus rather than the development of any new legislation since there is evidence to suggest that there are serious employer non-compliance issues with a number of Part III *Labour Code* provisions. An independent evaluation conducted for the Department of Human Resources and Skills Development found that one quarter of employers (to whom the *Code* applied) were in full compliance of the *Code*'s provisions, another quarter were in "wide-spread non-compliance" and the remaining half were "somewhere between these two poles." *Code* provisions which employers were least compliant about were: maximum hours; no payment or provision for statutory holidays; no provision of severance pay, sick leave, maternity and parental leave; and lack of a sexual harassment policy.[35]

Recommendation: The Federal Labour Standards need to be enforced more vigorously via a proactive audit process. Employers should be helped, with informational resources, to implement *Code* provisions within a reasonable period of time. Sanctions should be imposed on employers for *Code* non-compliance.

III. New Forms of Employment Relationships and Non-Standard Work

As was noted previously, non-standard work (eg., part-time, temporary, multiple job holding, temp agency work) is growing and now comprises at least one-third of the jobs in today's Canadian labour market. For a number of reasons, most notably women's continued occupational segregation in lower-paying jobs (eg., clerical, sales, and service) and their continuing primary responsibility for unpaid caregiving work, women are much more likely to have non-standard work arrangements than are men. The existing labour standards do not adequately protect vulnerable workers in non-standard and, often, low-paying jobs. The result is that many non-standard workers lack access to income support programs, training, opportunities for advancement, workplace benefits and work rights. This, in turn, results in heightened income insecurity for large numbers of women, both in the short term and with respect to their retirement.

Cranford, Vosko, and Zukewich[16] note, in particular, the rise in the prevalence of temporary jobs as well as own-account self-employed work arrangements in Canada. These are two areas of concern for a number of reasons. Self-employed workers are not covered by employment standards legislation, yet evidence suggests that many own-account self-employed workers are more similar to employees than they are to entrepreneurs. Judy Fudge proposes that all workers who depend on the "sale of their capacity to work" should be covered by labour standards and social insurance legislation.[36]

The increase in temporary work and, in particular, the third-party contracting which is inherent to temp agency work as well as grant-paid work (eg., such as academic research work and voluntary sector, project-based work) brings about unique employment relationships which, again, are not covered by employment standards legislation. Given that self-employment among women is on the rise, and that women already comprise the majority of temp agency workers, it is important to ensure that changes to the labour standards take these considerations into account.

It is clear that the vulnerability of Canadian workers cannot be discussed without giving due consideration to gender. For more information about women and precarious employment, see *Building Transitions to Good Jobs for Low-Income Women*, attached.

Recommendation: The *Canada Labour Code* should provide coverage for non-standard workers such that all types of workers (part-time, temporary, contract) have equal pay and access to comparable benefits and protections as compared to full-time, permanent workers. The *Code* also needs to extend its full protection to temp agency workers and other third-party contracting employment arrangements.

IV. Balancing Work and Personal/Family Responsibilities ... the Need for Family-Friendly Workplace Policies

We have taken the liberty of qualifying the title wording for this section of the consultation as we feel it is important to emphasize that the onus for achieving harmony between the work lives and the family and personal lives of workers should not rest entirely with workers. It should, instead, be a responsibility that is shared between workers and their employers as both parties benefit greatly from having workplaces that are responsive to the needs of workers. Family-friendly workplaces have been shown to have happier, healthier, less stressed employees who are more productive, more committed to their employers and have lower rates of absenteeism.[37]

Despite the, now well-established, positive business case for family-friendly workplace policies, work-life conflict has increased markedly over the course of the 1990s. According to Duxbury and Higgins, an increasing proportion of workers are experiencing greater challenges balancing their work responsibilities and their personal and family responsibilities. Workers have become "more stressed, physical and mental health has declined, and so has satisfaction with life."[38] Additionally, Duxbury and Higgins' research clearly shows the negative impact that work-life conflict has on both organizational performance and on employees themselves. Employees who are experiencing high levels of work-life conflict are much more likely to:

- perceive their jobs as more stressful and less satisfying
- feel less committed to their employer
- be absent from work due to ill health, make greater use of employee assistance programs, and make greater use of the health care system
- seriously contemplate quitting their job[38]

Not surprisingly, since the primary responsibility for much unpaid caregiving work still rests with women, achieving work-life balance is more difficult for women. Duxbury and Higgins' research indicates that motherhood continues to be a more stressful experience than fatherhood. Women were found to be more stressed and depressed than men, and women with children were more stressed and depressed than women without children. Interestingly, the parental status of men had little effect on their perceived levels of stress and depression. Those findings are similar to those reported by MacDonald, Lethbridge and Phipps who demonstrated that stress was particularly high for women in the "sandwich generation," that stress was further elevated when eldercare was provided, and that it is women rather than men who experience stress as a result of caregiving responsibilities.[31]

As we saw in the background section of this document, women, more than ever before, are delaying childbirth and opting to have smaller families. Given the increasingly precarious financial situation of many families and the stress and depression levels of many mothers who are in the paid labour force, Canada's current fertility rate should come as no surprise to policy makers.

Labour organizations have concerned themselves with work-life issues for many years. As far back as 1941, the International Labour Organization (ILO) identified work/family conflict as a problem and adopted the *Women with Family Responsibilities* recommendation in 1965 and *the Workers with Family Responsibilities Convention* in 1981. This convention has since been ratified by numerous countries around the world. It is clear that it is now time for the Canadian government to take this matter seriously and to set the bar for the provinces to follow in relation to family-friendly workplace policies. Labour standards and work-place polices which allow for flexibility, particularly of work hours and scheduling, are essential, not only to assist women in balancing work and family but to support and promote a more equitable sharing of unpaid caregiving work between women and men.

Recommendation: The *Canada Labour Code* needs to support and promote family-friendly workplaces through:

- Placing limitations on the total hours of work, including limiting employers' capacity to demand overtime.

- Establishing provisions for personal leave time, including family illness and community/volunteer participation.

- Expanding the eligibility requirements and flexibility around provisions for those with dependent care responsibilities. It would be worthwhile to consider the viability of workers having the option to reduce the number of hours worked for reasonable periods of time, eg., as a prelude to retirement.

Notes

1. Statistics Canada, *Labour Force Historical Review*, 2003, CD-ROM 71F0004XCB
2. Statistics Canada, CANSIM II Series V25698869, V25698864, V25698871, V25698870
3. Statistics Canada, 2001 Census, table no. 97F0009XCB2001001
4. Statistics Canada, 2001 Census, tables no. 97F0011XCB2001001 and 97F0010XCB2001003
5. Statistics Canada, *Population Projections of Visible Minority Groups, Canada, Provinces and Regions, 2001 to 2017.* Catalogue no. 91-541-XIE
6. Due to significant differences in the educational attainment of immigrant women, especially recently immigrated women, and that of non-immigrant women, comparisons in the table for these groups of women include only women with university certificates, diplomas or degrees
7. Source: Statistics Canada, *Participation and Activity Limitation Survey*, 2001. Catalogue nos. 89-577-XIE, 89-579, and 89-587
8. Statistics Canada, *2001 Census*
9. Statistics Canada, *Births - 2003*, Catalogue no. 84F0210
10. Statistics Canada, *2001 Census*
11. Statistics Canada, *Births - 2003*, Catalogue no. 84F0210
12. Calculations using the *Survey of Labour and Income Dynamics*, 2002, Statistics Canada
13. Statistics Canada, *2001 Census*, table no. 97F0020XCB2001083
14. Vanier Institute for the Family (2004). *Profiling Canada's Families III*
15. Vosko, Leah F. (2003). *Precarious Employment in Canada: Taking Stock, Taking Action*, Just Labour (Volume 3, Fall, 2003)
16. Cranford, Cynthia J., Vosko, Leah F., & Zukewich, Nancy (2003). *Precarious*

Employment in the Canadian Labour Market: A Statistical Portrait, Just Labour (Volume 3, Fall 2003)

17. Rittich, Kerry (2004). *Vulnerability at Work: Legal and Policy Issues in the New Economy*. Report for the Law Commission of Canada

18. Cranford, Vasko, and Zukewich's typology (see note 11 above) consists of six categories of employment that do not overlap. These are:
- full-time permanent
- full-time temporary
- part-time permanent
- part-time temporary
- self-employed - own account
- self-employed - with employees

19. Statistics Canada, 2001 Census, table no. 97F0009XCB01042

20. Statistics Canada, 2001 Census, tables no. 97F0011XCB2001046 and 97F0009XCB2001043

21. Canadian Labour Congress (2005). Labour Standards for the 21st Century: Canadian Labour Congress Issues Paper on Part III of the Canada Labour Code.

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23. Statistics Canada (2000). *Women in Canada, 2000: A Gender-Based Statistical Report*. Statistics Canada, Catalogue no. 89-503-XPE

24. Statistics Canada (2004). *Women in Canada: Work Chapter Updates*. Statistics Canada, Catalogue no. 89F0133XIE

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26. Jackson, Andrew (2004). *Gender Inequality and Precarious Work: Exploring the Impact of Unions Through the Gender and Work Database*. Canadian Labour Congress. Available at: http://www.clc-ctc.ca

27. Galarneau, Diane (January, 2005). *Earnings of Temporary Versus Permanent Employees*. In, *Perspectives on Labour and Income*, Vol. 6, No. 1. Statistics Canada, Catalogue No. 75-001-XIE

28. Law Commission of Canada (2004). *Is Work Working? Work Laws that Do a*

Better Job. Available at: http://www/lcc/gc/ca

29. A single person, working full time (ie., 40 hours per week) at the minimum wage rate earned $1,083 (gross) per month in 2003. This is $332 or 23.5% below the low income cutoff (LICO) established by Statistics Canada for a city the size of Halifax. A two-parent family where one parent worked full time and the other part time at the minimum wage (total of 60 hours per week) earned approximately $1,625 (gross) per month in 2003. This is $575 (or 26%) below the LICO for a city the size of Halifax.

30. Sauvé, Roger (2002). *Connections: Tracking the Links Between Jobs and Family*. Vanier Institute for the Family

31. MacDonald, Martha, Phipps, Shelley and Lethbridge Lynne (2005). Taking its Toll: The Influence of Paid and Unpaid Work on Women's Well-Being. *Feminist Economics* 11(1):63-94

32. Source: Statistics Canada, CANSIM table no.282-0002. 2004 data

33. Jacobs, John (2003). *Submission to Nova Scotia Department of Environment and Labour. Review of the Minimum Wage Rate in Nova Scotia, February, 2003.* Canadian Centre for Policy Alternatives - Nova Scotia

34. Workman, W. Thom and Jacobs, John (2002). *Undermining Wages in Nova Scotia: The Minimum Wage from 1976 - 2002.* Canadian Centre for Policy Alternatives - Nova Scotia

35. Source: *Labour Standards for the 21st Century*: CLC Issues Paper on Part III of the *Canada Labour Code*

36. Fudge, Judy (Fall, 2003) *Labour Protection for Self-Employed Workers. Just Labour*, vol. 3

37. Human Resources and Social Development Canada, *The Business Case for Work-Life Balance*, available from HRSDC at: http://www.hrsdc.gc.ca/en/lp/spila/wlb/16benefits_costs_businesscase.shtml

38. Duxbury, Linda & Higgins, Chris (2001). *Work-Life Balance in the New Millenium: Where Are We? Where Do We Need to Go?* Canadian Policy Research Networks, available at http://www.cprn.org